

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 32

(Reno, Nevada)

WASHOE MEDICAL CENTER, INC.

Employer<sup>1</sup>

and

Case 32-RC-4631

OPERATING ENGINEERS LOCAL NO. 3,  
INTERNATIONAL UNION OF OPERATING  
ENGINEERS, AFL-CIO

Petitioner<sup>2</sup>

**DECISION AND DIRECTION OF ELECTION**

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, herein called the Act, a hearing was held before a hearing officer of the National Labor Relations Board, herein called the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding,<sup>3</sup> the undersigned finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

2. The parties stipulated, and I find, that the Employer, a Nevada corporation, is engaged in the operation of an acute care hospital in Reno, Nevada. During the past twelve month period, the Employer received gross revenues in excess of \$250,000 and, during that same period, purchased and received goods valued in excess of \$5,000 which originated outside the State of Nevada. Based on the foregoing, I find that the Employer is engaged in commerce within the meaning of the Act. Accordingly, the assertion of jurisdiction is appropriate herein.

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<sup>1</sup> The name of the Employer appears as amended at the hearing.

<sup>2</sup> The name of Petitioner appears as amended at the hearing.

<sup>3</sup> Briefs filed by the parties were duly considered.

3. The parties stipulated and I find that Operating Engineers Local No. 3, International Union of Operating Engineers, AFL-CIO, herein Petitioner, is a labor organization within the meaning of Section 2(5) of the Act.

4. Petitioner claims to represent certain employees of the Employer, and a question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

Petitioner seeks to represent a unit consisting of all full-time and regular part-time technical employees, including phlebotomists, nuclear medical technologists, respiratory therapists, x-ray technicians, licensed practical nurses, dialysis technicians, radiology technicians, emergency room technicians, operating room technicians, and lab technicians employed by the Employer. The Employer contends that phlebotomists are not technical employees and should, therefore, not be included in the unit sought by Petitioner herein. Furthermore, contrary to Petitioner, the Employer contends that certified nursing assistants (CNAs) and certain information resources department employees should be included in the technical unit.

The parties stipulated that the employees in the following classifications are technical employees, and should, therefore, be included in the unit: cardiovascular tech registered, cardiovascular ultrasound tech, core lab technician, critical care tech, EEG lead tech, EEG tech, emergency department tech I, emergency department tech II, LPN--employee health, LPN, MRI technologist, OB/OR scrub tech II, OB/OR scrub tech, occupational therapy assistant, patient escort, pharmacy technician II, pharmacy technician, radiology cat scanner tech lead, radiology mammography tech, radiology specialist procedures tech, radiation therapy tech registered, radiology ultrasound tech, radiology cat scanner tech, radiology staff tech unregistered, radiology staff tech, radiology tech/portable, respiratory care assessor, respiratory care practitioner I, respiratory practitioner II, retail pharmacy tech, and surgery OR technician.

After the close of the hearing, the parties stipulated that, in addition to those classifications stipulated to above, the following classifications are technical employees and should be included in the unit: application specialist I, II, and III, audio/visual coordinator, cardiac registrar, cardiovascular tech lead, case coordinator (non-RN)<sup>4</sup>, chemical dependency counselor, chief pulmonary function tech, clinical systems analyst II, dispatch escort, financial systems analyst I, II, and III, financial project analyst, fitness center specialist lead, HR benefits analyst, HR information specialist, information security analyst, IR customer support specialist, IR database integrator, IR project manager, lab LAN systems analyst, medical records lead coder, medical records coder, medical records tumor registrant, network technical specialist II and III, nuclear medicine tech, outpatient coder, patient billing analyst/LPN, production analyst II and III, quality

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<sup>4</sup> The parties agreed that the two non-RN case coordinators can vote, subject to challenge, in the event that Petitioner contends that they are statutory supervisors.

care analyst, quality care analyst/LPN, radiology systems specialist II, radiology therapy dosimetrist, radiology ultrasound lead tech, radiology tech lead, respiratory care lead therapist, respiratory education/quality improvement coordinator, respiratory care aide lead, senior accountant, staff accountant, surgical systems analyst I, system technical specialist III, systems administrator/MRI, WAN architect planner, and WHS IR planning coordinator.

Technical employees are those "who do not meet the strict requirements of the term 'professional employee' as defined in the Act, but whose work is of a technical nature involving the use of independent judgment and requiring the exercise of specialized training usually acquired in colleges or technical schools or through special courses."<sup>5</sup> The Board, in determining under its rule making procedures that a technical unit is a separate unit appropriate for collective bargaining purposes in the acute hospital industry, stated at 284 NLRB 1516 at 1553 (1987):

The evidence presented at the hearings demonstrate that technical employees perform jobs involving the use of independent judgment and specialized training as opposed to service and maintenance employees who generally perform unskilled tasks and need only a high school education . . . technical employees occupy a high prestige status distinct from other categories of non-professional employees because of the training requirements for their jobs.

Technical employees further are distinguished by the support role they play within the hospital and by the fact that they worked in patient care. Examples of their work include: routine clinical tests performed by medical laboratory technicians, general respiratory care administered by respiratory therapists; and x-rays, ultrasound procedures and CAT scans performed by various technicians.

. . . At the hearings the evidence shows that all health care technical employees have significant additional education and/or training beyond high school including: community college associate degree programs which provide math and science background beyond that which high schools offer, vocational training programs run by hospitals; programs at accredited schools of technology and in some fields, a full 4-year college degree.

Further, the evidence indicates that most hospital technical employees are either certified (usually by passing a national examination), licensed, or required to register with the appropriate state authority, although laws regarding such licensure, registration, training and qualifications vary throughout the country.

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<sup>5</sup> *Litton Industries of Maryland, Incorporated*, 125 NLRB 722, 724-725 (1959).

Although, in general, hospitals apply similar benefit and labor relations policies to technical and other non-professional employees, the evidence shows that the wages and hours of technical employees differ significantly from those of the other non-professionals. On the average, technicians earn \$2,000 per year more than service workers in this industry. Technicians' wages are tied to the earnings of the more highly skilled technologists with whom they work, and they generally earn approximately 75% of what technologists earn.

... There is no temporary interchange, and little permanent interchange between technical employees and other non-professionals because of the difference in skills, the specialized functions of the technicals, and the differences in their education.

... Contrary to statements of industry witnesses, who maintain that a service worker could take a six week training program and be able to read EKG equipment we are persuaded that technical training requires full or nearly full-time education and high school education does not provide the mathematics and science background necessary.

### Phlebotomists

The Employer classifies its phlebotomists as clinical laboratory assistant Is and IIs, the latter classification requiring at least one year of experience as a phlebotomist. There are approximately a total of 48 phlebotomists. Phlebotomists are required only to have a high school diploma or equivalent to be hired, but must already have, or obtain within six months of hire, a phlebotomist license from the State of Nevada certifying that state-regulated training and experience requirements have been met. Licenses must be renewed every two years, and require that phlebotomists have taken 10 continuing education units during that period. All phlebotomists wear either scrubs or lab coats while performing their duties in the lab and throughout all the clinical areas of the hospital. The primary duty of a phlebotomist is to draw blood samples from the arteries or veins of patients for lab testing. It appears that clinical laboratory assistant Is are first trained to draw blood from veins (venapunctures), which takes about three months for them to become sufficiently proficient. As they become more experienced, they are trained by clinical laboratory assistant IIs to draw blood from arteries (arterial sticks), the skill which the Employer considers the dividing line between a clinical laboratory assistant I and II. Phlebotomists also prepare blood samples for testing by centrifuging when required, and are responsible for storing and packaging blood samples. With respect to the use of independent judgment, all of the procedures ("protocols") which need to be followed by phlebotomists in drawing blood or preparing samples are set forth in manuals. None of the duties described above require that phlebotomists attend colleges or technical schools or take special courses to acquire the skills necessary to perform them. Rather, it appears that new hires need only undergo on-the-job training from other, more experienced phlebotomists to learn how to do their work. The Board

has repeatedly held that phlebotomists are not technical employees, and nothing in the record before me would lead me to a contrary conclusion. *Southern Maryland Hospital Center, Inc.*, 274 NLRB 1470 (1985); *Middlesex General Hospital*, 239 NLRB 837 (1978). In view of uncomplicated nature of their duties, short duration of the training period, and lack of regular use of independent judgment, I find that the phlebotomists are not technical employees and shall exclude them from the unit.

### Certified Nursing Assistants<sup>6</sup>

As with phlebotomists, CNAs are required only to have a high school diploma or equivalent and do not need a license to be hired. New hires who do not have a license are classified as nurses aides in training, but must obtain their licenses within four months of hire. To do so, they must take a certified 75 hour course including not less than 60 hours of theory at a school such as the Truckee Meadows Community College, and pass a written and clinical test before applying for a license or certification by the State of Nevada. Again licenses must be renewed every two years, and require that CNAs have acquired 24 hours of continuing education units and worked 400 hours as a CNA during that period. The main duties of CNAs are to take and chart vital signs, monitor intake and output, help patients take showers or baths, brush patients' teeth, assist patients with eating, walking, and use of the toilet. CNAs also give enemas, and empty various bags and apparatuses for patients who have had surgery. CNAs cannot administer medications to patients. Several CNAs are cross-trained as unit clerks, who sit at the nurses' station, and perform the work of unit clerks when required. Those duties include answering the telephone and taking orders from physicians and inputting them into a computer. CNAs and unit clerks, whom no party contends are technical employees, receive approximately the same wages. CNAs receive \$8.25 per hour. In contrast, LPNs, whom the parties have stipulated are technical employees, receive between \$12 to \$16 per hour (LPNs appear to require one year of training to receive their licenses). In *Hillhaven Convalescent Center*, 318 NLRB 1017 (1995), one party attempted to include CNAs and LPNs in the same bargaining unit. Because LPNs possess specialized skills and licenses, and are permitted to perform functions that CNAs are not, the Board found that LPN's should be placed in a separate technical unit. As was the case with phlebotomists, nothing in the record establishes that the Employer's CNAs perform duties of a technical nature requiring the use of independent judgement and which requires specialized training. Accordingly, I find that CNAs, nurse assistant trainees, and nurse assistant/unit clerks are not technical employees and shall exclude them from the unit.

### Application Specialist

At the hearing the Employer provided a list of job classifications that it contends should be included in the technical unit. At the top of the list were application specialist I, II, and III. The Employer provided job descriptions for application specialist II and III,

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<sup>6</sup> As discussed below, Nursing Assistant Trainee is the entry level title for employees who have not yet obtained a license, and Nurse Assistant/Unit Clerk refers to those employees who work in both classifications. Accordingly, all three classifications are discussed herein.

and provided a witness to discuss their duties, but provided neither a job application nor other information regarding the application specialist I position. It can only be assumed that the educational/experience requirements and the duties of all three positions are similar, albeit that application specialist I is the entry level position. A college degree is preferred but not required for these positions, and the Employer's witness acknowledged that not all application specialists (including application specialist IIIs) have college degrees. Their salary ranges from \$30,000 to \$60,000. The main duties of application specialists is to develop computer programs for the Employer's business units. Employees in these positions develop programs based on written specifications using business programming tools including computer languages such as COBOL. Once completed and installed, they are responsible for reviewing the new applications to see if they are working properly and are meeting the Employer's business needs. In view of the foregoing, it is apparent that the application specialist positions require specialized technical training and experience. Thus, I find application specialists to be technical employees, and shall, therefore, include them in the unit.

#### Information Security Analyst

This position requires approximately three years' prior experience in the field but not a college degree. Its salary range is from mid \$30,000 to \$45,000. The only specific function attributed to employees in this position was the regular updating of the Employer's computer anti-virus programs at individual work stations, normally accomplished by installing virus definition updates received either by disk or by downloading from the appropriate website, and then making sure that those work stations continue to function properly after the updating process has been completed. Such a routine, repetitive task requires only minimal training to perform. Accordingly, I find that information security analysts are not technical employees, and shall exclude them from the unit.

#### Customer Support Specialist

The employees in this classification work at the Employer's computer help desk, assisting users who are having problems with either computer hardware or software. Their salary range is mid \$30,000 to mid \$40,000. In most cases they are able to provide the user with a solution to his or her problem. If not, they will fill out a work order, specifying the nature of the problem, and assign it to someone else in the information resources department for resolution. Although customer support specialists must have a high degree of experience regarding the Employer's hardware and software to perform their duties, said experience does not appear to be of the specialized and technical nature which would warrant a finding that they are technical employees. A college degree is not required, although those with a degree in computer science healthcare, or related fields receive preference. Further, no license or certification is required. Based on the above, I find that customer support specialists are not technical employees, and shall exclude them from the unit. *Rhode Island Hospital*, 313 NLRB 343, 360-361 (1993).

#### Database Integrator

According to the job description for this position, a bachelor of science degree in a technically related area is required although experience may be substituted on a "year for year" basis, and individuals with professional certifications in data processing receive preference. However, at the hearing, the Employer's witness stated that a degree is not required, only preferred. Instead, the witness stated that an individual must have a minimum of five years' experience within an information resources department, specifically requiring disciplines in a variety of programming and operations area. The salary range for this position is \$40,000 to mid \$60,000. It appears that the main function of the database integrator is to coordinate all of the electronic data generated by the Employer's various departments, reducing or eliminating redundancies and developing or recommending for purchase programs which will facilitate user access to the data. Although performance of the above function obviously requires a knowledge of database management, it is not clear from the record if a basic understanding of current database software would be sufficient or if something more would be required. Accordingly, the database integrator will be allowed to vote, subject to challenge.

#### Project Manager

Project managers are responsible for ensuring that members assigned to a particular project, such as implementing a new computer system, in the Employer's information resources department work together as a unit. Their salary range is mid \$40,000 to mid \$60,000. They plan the project, determine what tasks will be necessary to accomplish its goal, decide who will be on the team, and then oversee the project until it is completed. The job description for this classification states that a bachelor's degree in computer science, business, healthcare, or a related field is the minimum educational requirement, but that experience in related fields may be substituted on a "year-for-year" basis. The record does not reflect whether any of the Employer's project managers actually meet this minimum requirement. Furthermore, there was no evidence that they possess or utilize any specialized technical skills in the performance of their duties, which appear to be more management oriented than of a technical nature. Accordingly, I find that project managers are not technical employees, and shall exclude them from the unit.

#### Database Administrator

The database administrator is responsible for the design, development, implementation, and maintenance of logical data models and physical databases used by the Employer. The salary range for this position is \$35,000 to \$50,000. The job description for this position states that the incumbent has knowledge of multiple operating environments such as MVS, VMS, UNIX, OS/2, Windows, Windows 95, Windows NT, CICS, TSO, and JCL; programming languages such as COBOL, Visual Basic C/C++; and experience in structured query language (SQL), with a working knowledge of DB2, SYBASE, or other databases being desirable. Although the educational requirements listed on the job description are no greater than those of other classifications in the Employer's information resources department (neither a college

degree nor equivalent is required, and there is no license or certification required), it is clear that any person meeting the above qualifications would have had to have acquired such knowledge by studying special courses in the computer field. Accordingly, I find the database administrator to be a technical employee, and shall include that position in the unit.

### Network Technical Specialist

There are two levels at issue for this position: II and III. Both are responsible for the maintenance of the Employer's computer network. The salary range for a specialist II is \$31,000 to \$45,000; for a specialist III, the range is \$38,000 to \$50,000. Their main duties appear to be keeping the network up and running. This includes diagnosing and repairing network communications problems, using both hardware and software solutions as required. Both level II and III specialists are required to have an associate of arts degree in electronics or completion of vocational/technical school in a basic electronics course, although experience may be substituted for education on a "year for year" basis. Both positions (two years for a II; three years for a III) require experience as an electronic technician working with digital and electronic circuits. As network technical specialists clearly possess and utilize specialized technical training to perform their jobs, I find them to be technical employees and shall, therefore, include them in the unit.

### Production Analyst

Again there are two levels at issue for this position: II and III. Their salary range is \$30,000 to \$40,000. Production analysts operate the Employer's computer systems which support the Employer's business departments. Neither level analyst is required to have a college degree or to have taken any special technical courses to perform their duties, which appear to mainly be the processing of data and monitoring of the computer systems to produce various reports for both internal and external use. Because there was no evidence adduced at the hearing that the performance of the duties of production analysts requires any special technical training, I find them not to be technical employees and shall exclude them from the unit. *Rhode Island Hospital*, 313 NLRB 343, 360-361 (1993).

### System Technical Specialist III

Systems technical specialists are responsible for maintaining the operating systems used by the Employer's mainframe, midrange and personal computers. The salary range for this position is \$48,000 to \$68,000. The educational requirement for this position is an associate of arts degree in computer science or the completion of vocational/technical school in data processing/computer operations or sciences, although again, experience may be substituted on a "year to year" basis. According to its job description, this position is considered the "top level technical specialist in highly specialized phases of systems software programming." Based on the above, I find that system technical specialist IIIs are technical employees, and shall include them in the unit.

### WAN Architect Planner

The wide area network architect designs and oversees the operation of the Employer's computer network system. The salary range for this position is \$45,000 to \$60,000. The educational requirement for this position is a bachelor's degree in a

technical discipline, preferably in electrical or communications engineering, or five or more years direct work experience in data, video, communications systems with at least two years of formal education or training in a related field. The incumbent must have four years experience in the design, maintenance, and operation of large multi-vendor wide area and local area networks, and be familiar with broadband and baseband networks, routers, UNIX, Novell, SNMP, and IBM network programming. Again it is clear that any person meeting the above qualifications would have had to have acquired such knowledge by studying special courses in the computer field. Accordingly, I find the WAN architect planner to be a technical employee, and shall include that position in the unit.

#### Information Resource Planning Coordinator

Although a bachelor's degree in business administration or computer science is preferred, it is not required, and there appears to be no technical training requirement. The main function of this position appears to be insuring that the Employer's computer systems continue to meet all of the Employer's needs. At the hearing the Employer's chief information officer made reference to something called the information resources strategic plan, stating that planning coordinators update the plan based on changing needs of the various departments. The salary range for this position is \$40,000 to \$55,000. There was no evidence that the planning coordinators possess or utilize any specialized technical training to perform their duties, which appear to more related to policy development and enforcement. Accordingly, I find that the information resource planning coordinators are not technical employees, and shall, therefore, exclude them from the unit.

There was no testimony provided at the hearing regarding the remaining classifications at issue. Rather, the parties agreed that a determination as to whether each classification should be included in the technical unit would be based solely on the job descriptions provided by the Employer. A comparison of the testimony of witnesses regarding the duties of the employees in the classifications which were litigated at the hearing and the information contained in their respective job descriptions provided by the Employer reveals that the latter frequently tend to overstate what duties are actually performed by the employees, or are so vague as to make them virtually useless. Furthermore, the job descriptions do not provide the salary ranges for the positions. Accordingly, a determination as to whether each classification should be included in the technical unit will tend to depend more on the stated educational and/or experience requirements. Specifically, if the listed requirements reveal that employees have had specialized technical training, especially where they are required to have been certified or licensed, or if their apparent duties would likely require the use of such training, they will be included in the technical unit. While making determinations of unit placement of specific classifications in this manner is obviously less than ideal, such a procedure is not without precedent. See *Rhode Island Hospital*, 313 NLRB 343 (1993), where the Board noted that the parties, as herein, agreed to litigate certain classifications based on the information contained in their job descriptions.

### Pediatric Urgent Care Assistant

Employees in this classification assist physicians and nursing staff with patient care in the pediatric urgent care department. This includes answering and referring telephone calls and ordering tests and procedures as directed. A high school diploma is not required, only the ability to read, write, and speak English. The experience and licensure/certification requirements appear to be no greater than those of CNAs, whom I have already found not to be technical employees. Accordingly, I similarly find that pediatric urgent care assistants are not technical employees, and shall exclude them from the unit.

### Physical Therapy Assistant

Although the parties stipulated at the hearing that employees in this classification are technical employees, the parties subsequently acted as if there been no such agreement regarding this classification. Specifically, the parties agreed to delete it from the proposed post-hearing stipulation, where it was inadvertently included, because of Petitioner's contention that the employees in that classification are not technical employees. However, as no job description was provided for physical therapy assistant, employees in this classification will be allowed to vote subject to challenge.

### Respiratory Care Aide

The only job description provided for this classification is for respiratory care aide II. It states that employees with that title perform respiratory therapy procedures, which include "routine (emphasis provided) tasks such as O<sub>2</sub> set-ups, O<sub>2</sub> titration, oximetry, breathing exercises with patients ranging from pediatric, adolescent, adult and geriatric." Again, a high school diploma is not required, only the ability to read, write, and speak English. Employees must have a current Nevada State driver's license and CPR certification. As it is clear that the duties of respiratory care aides do not require any specialized technical training, I do not find them to be technical employees, and shall, therefore, exclude them from the unit.

### Conclusion

In light of the above, I have concluded that the following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time technical employees,  
including cardiovascular tech registered, cardiovascular  
ultrasound tech, core lab technician, critical care tech, dialysis  
technicians, EEG lead tech, EEG tech, emergency department  
tech I, emergency department tech II, LPN--employee health,  
LPN, MRI technologist, OB/OR scrub tech II, OB/OR scrub tech,  
occupational therapy assistant, patient escort, pharmacy

technician II, pharmacy technician, radiology cat scanner tech lead, radiology mammography tech, radiology specialist procedures tech, radiation therapy tech registered, radiology ultrasound tech, radiology cat scanner tech, radiology staff tech unregistered, radiology staff tech, radiology tech/portable, respiratory care assessor, respiratory care practitioner I, respiratory practitioner II, retail pharmacy tech, surgery OR technician, application specialist I, II, and III, audio/visual coordinator, cardiac registrar, cardiovascular tech lead, case coordinator (non-RN)<sup>7</sup>, chemical dependency counselor, chief pulmonary function tech, clinical systems analyst II, dispatch escort, financial systems analyst I, II, and III, financial project analyst, fitness center specialist lead, HR benefits analyst, HR information specialist, information security analyst, IR customer support specialist, IR database integrator, IR project manager, lab LAN systems analyst, medical records lead coder, medical records coder, medical records tumor registrant, network technical specialist II and III, nuclear medicine tech, outpatient coder, patient billing analyst/LPN, production analyst II and III, quality care analyst, quality care analyst/LPN, radiology systems specialist II, radiology therapy dosimetrist, radiology ultrasound lead tech, radiology tech lead, respiratory care lead therapist, respiratory education/quality improvement coordinator, respiratory care aide lead, senior accountant, staff accountant, surgical systems analyst I, system technical specialist III, systems administrator/MRI, WAN architect planner, and WHS IR planning coordinator, employed by the Employer at its facilities located in Reno, Nevada; EXCLUDING all other employees, professional employees, guards, and supervisors as defined in the Act.

There are approximately 400 employees in the bargaining unit.

#### DIRECTION OF ELECTION

An election by secret ballot shall be conducted by the undersigned among the employees in the unit found appropriate at the time and place set forth in the Notice of Election to be issued subsequently, subject to the Board's Rules and Regulations.<sup>8</sup> Eligible to vote are those in the unit who are employed during the payroll period ending immediately preceding the date of the Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12

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<sup>7</sup> See fn. 4 above.

<sup>8</sup> Please read the attached notice requiring that election notices be posted at least three (3) days prior to the election.

months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military services of the United States Government may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible to vote shall vote whether or not they desire to be represented for collective bargaining purposes by OPERATING ENGINEERS LOCAL NO. 3, INTERNATIONAL UNION OF OPERATING ENGINEERS, AFL-CIO.

#### LIST OF VOTERS

In order to ensure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties in the election should have access to a list of voters and their addresses which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Company*, 394 U.S. 759 (1969); *North Macon Health Care 359 Facility*, 315 NLRB 359, 361 n. 17 (1994). Accordingly, it is hereby directed that within seven (7) days of the date of this Decision, two (2) copies of an election eligibility list containing the full names and addresses of all the eligible voters shall be filed by the Employer with the undersigned, who shall make the list available to all parties to the election. In order to be timely filed, such list must be received in the NLRB Region 32 Regional Office, Oakland Federal Building, 1301 Clay Street, Suite 300N, Oakland, California 94612-5211, on or before July 27, 1999. No extension of time to file this list shall be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

#### RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board,

addressed to the Executive Secretary, 1099 14th Street, NW, Washington, DC 20570.  
This request must be received by the Board in Washington by August 3, 1999.

Dated at Oakland, California this 20th day of July, 1999.

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James S. Scott, Regional Director  
National Labor Relations Board  
Region 32  
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